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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,438	11/20/2003	Wolfgang Rein	9101.00005	9834

10534 7590 08/18/2004

BLISS MCGLYNN, P.C.
2075 WEST BIG BEAVER ROAD
SUITE 600
TROY, MI 48084

EXAMINER

MCMAHON, MARGUERITE J

ART UNIT	PAPER NUMBER
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3747

DATE MAILED: 08/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/718,438

Applicant(s)

REIN ET AL.

Examiner

Marguerite J. McMahon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/27/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4-8, 11-13, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loughlin (5,661,904) in view of Hart et al (6,557,457). Loughlin shows everything except the end of the connecting rod aligned with the piston bore including a phosphatized coating that is adapted to facilitate relative angular movement between the bore extending through the connecting rod and the outer circumference of the piston pin. Hart et al teach that it is old in the art to provide a phosphatized coating on at least one of the running surfaces of the wrist pin and connecting rod bore (see abstract and column 2, lines 47-60). It would have been obvious to one having ordinary skill in the art to modify Loughlin by providing a phosphatized coating on the inside surface of the connecting rod bore and/or the outside surface of the piston pin in lieu of a conventional bushing usually pressed into the connecting rod bore, in order provide the necessary tribological properties therebetween, more simply and inexpensively. In addition, Hart et al show a slightly different range of thickness of phosphate coating than applicant's, i.e. applicant claims a range of 2 to 8 micrometers, and Hart et al show an overlapping range of 8 to 15 micrometers. According to MPEP 2144.05 (1), a prima facie case of obviousness exists where the claimed ranges and prior art ranges do not

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overlap but are close enough that one skilled in the art would have expected them to have the same properties.

Claims 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loughlin (5,661,904) in view of Hart et al (6,557,457) as applied to claims 1, 2, 4-8, 11-13, 15, and 16 above, and further in view of Fangman (3,479,929). Loughlin in view of Hart et al show everything except employing a tapering connecting rod and bore housing. Fangman teaches that it is old in the art to provide a tapering connecting rod and bore housing. It would have been obvious to one having ordinary skill in the art to modify Loughlin in view of Hart by providing a tapering connecting rod and bore housing, in order to reduce the mass of the rod, while maintaining surface area connection between piston and rod (see column 1, lines 19-25 of Fangman).

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Loughlin (5,661,904) in view of Hart et al (6,557,457) as applied to claims 1, 2, 4-8, 11-13, 15, and 16 above, and further in view of DeBiasse (4,984,544). Loughlin in view of Hart teach everything except providing side relief channels along the inner circumference of the pin bore. DeBiasse teaches that it is old in the art to provide side relief channels 68 along the inner circumference of the pin bore. It would have been obvious to one having ordinary skill in the art to modify Loughlin in view of Hart et al by providing side relief channels, in order to accumulate lubricating oil to lubricate between the surfaces of the pin and bore.

Claims 3, 9, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loughlin (5,661,904) in view of Hart et al (6,557,457) as applied to

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claims 1, 2, 4-8, 11-13, 15, and 16 above, and further in view of Lindstrom (5,039,285). Loughlin in view of Hart et al show everything except an internal gallery between the first and second ends of the connecting rod to direct lubricant between said first and second ends. Lindstrom teaches that it is old in the art to provide an internal gallery 66 between first and second ends of the connecting rod 42 to direct lubricant between said first and second ends. It would have been obvious to one having ordinary skill in the art to modify Loughlin in view of Hart et al by employing an internal gallery in the connecting rod to facilitate lubrication of the piston pin and crankshaft.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the references of Loughlin ('034), McKone, which show a reduced diameter at the central portion of the piston pin, the references of Kronstein and Umeha et al, which discuss the advantages of phosphatized coatings in improving corrosion resistance and wear, the Kemnitz et al reference which shows an additional tapered connecting rod and housing, and the references of Uchara et al, which utilizes a thickness of phosphate coating of 2 to 8 micrometers (see abstract) and Kagohara et al, which utilizes a thickness of phosphate coating of 2 to 30 micrometers (see column 2, lines 50-60).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marguerite J. McMahon whose telephone number is 703-308-1956. The examiner can normally be reached on flex.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yuen Henry can be reached on 703-308-1946. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MM
MARGUERITE MCMAHON
PRIMARY EXAMINER